IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC.CIVIL APPLICATION NO.106 OF 2004

Mrs.Unnati lhas Khedekar. ... Applicant.

Versus.

Ulhas Umesh @ Baba Khedekar. ... Respondent.

Mrs.Anjali Helekar for the Applicant.

Ms.Swati Sawant for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 15th March, 2005.

P.C.:

1. Heard the learned Counsel appearing for the parties. The Applicant is the wife and the Respondent is the husband. By this application under section 24 of the Code of Civil Procedure, 1908, the Applicant is seeking transfer of the Marriage Petition No.57 of 2003 filed by the Respondent which is pending in the Court of the Civil Judge, Senior Division, Ratnagiri, to the Family Court Bandra, Mumbai. The Applicant has filed a petition for maintenance which is pending in the Family Court at Bandra, Mumbai.

2. The case of the Applicant is that she is a resident of Mumbai and it is very difficult for her to undertake travelling for about 400 Kms. for attending the proceedings in the Court at Ratnagiri. The Applicant has no residential accommodation available at Ratnagiri. The Application is opposed by the Respondent by filing a

reply.

3. I have heard the learned Counsel appearing for the parties. As the proceedings filed by the Applicant-wife is pending in the Family Court at Mumbai, the Respondent is required to attend the said Court. It will be in the interest of both the parties if both the pending proceedings between the parties are heard by one and the same Court. In a matter like this, the Apex Court has held that the convenience of the wife is to be seen. As the husband is required to attend the proceedings filed by the wife in the Family Court at Mumbai, there will be no inconvenience if prayer for transfer is granted.

4. Accordingly the Application is allowed in terms of prayer clause (a). After transfer of the Marriage Petition No.57 of 2003 to the Family Court at Mumbai, notice will be issued to both the parties.

5. The parties and the concerned Court to act on an authenticated copy of this order.

Judge.